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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,035	02/20/2002	Yaakov Navon	IL920020003US1	9494

7590 11/01/2005
Stephen C. Kaufman
Intellectual Property Law Dept.
IBM Corporation
P.O. Box 218
Yorktown Heights, NY 10598

EXAMINER

COUSO, JOSE L

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,035

Applicant(s)

NAVON ET AL.

Examiner

Jose L. Couso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 17, 19, 20 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 20 and 23-30 is/are allowed.
- 6) ☒ Claim(s) 17, 19, 22 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 19 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 22 depend from cancelled claims 18 and 21 respectively.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 17, 19 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent No. 6,453,073).

With regard to claim 17, Johnson describes identifying first and second image content, wherein the first and second content comprise image foreground and image background (see for example figures 40 and 49-50 and refer for example to column 25, lines 40-44), and separately compressing the first and second image content (refer for

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example to column 27, lines 43-50 and refer for example to column 28, lines 36-40, visually unimportant texture regions correspond to applicant's background).

In regard to claim 19, Johnson describes comprising employing a higher resolution compression technique to compress the foreground content as compared with the background content (refer for example to column 9, lines 55-63).

As to claim 31, Johnson describes a computer software product, comprising a computer-readable medium in which program instructions are stored, which instructions when read by the computer, separates an image into a first and second layer wherein the first and second layer comprise image foreground and image background (see for example figures 40 and 49-50 and refer for example to column 25, lines 40-44), respectively and compresses the first layer with a first compression technique and the second layer with a second compression technique (refer for example to column 45, lines 10-22 and column 27, line 43 through column 28, line 40 and column 28, lines 36-40, visually unimportant texture regions correspond to applicant's background).

4. Applicant's arguments filed September 17, 2005 have been fully considered but they are not persuasive.

The examiner has thoroughly reviewed applicant's arguments on pages 5-6 but firmly believes the cited reference to reasonably and properly meet the claimed limitations.

Applicant's arguments bridging pages 11-12, seem to be directed towards an aspect of the invention not specifically claimed. Applicant is reminded of 37 CFR §1.111(b) which specifically states:

A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference does not comply with the requirements of this section.

Applicant is reminded that the examiner is entitled to give the broadest reasonable interpretation to the language of the claims. So the examiner considers which Johnson's first and second image content which comprise foreground and background to be applicant's claimed "first and second image content which comprise foreground and background" within the broad meaning of the term. The examiner is not limited to applicant's definition which is not specifically set forth in the claims.¹

5. Claims 1-11, 20 and 23-30 are allowed.

6. Applicant's arguments, see page 5, lines 1-20, with respect to claims 1-11 and 20-30 have been fully considered and are persuasive. The rejection of claims 1-11, 20 and 22-30 has been withdrawn.

¹ In re Tanaka et al., 193 USPQ 139, (CCPA) 1977.

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7. The following is an examiner's statement of reasons for allowance: The prior art of the record fail to teach or suggest singly and/or in combination a method for image separation of an image which provides for identifying kernels reflected by at least one of the operators selected from the group consisting of: $P(x-w, y) - P(x, y) > t$ and $P(x+w, y) - P(x, y) > t$; and $P(x, y-w) - P(x, y) > t$ and $P(x, y+w) - P(x, y) > t$; and $P(x+d, y+d) - P(x, y) > t$ and $P(x-d, y-d) - P(x, y) > t$; and $P(x-d, y+d) - P(x, y) > t$ and $P(x+d, y-d) - P(x, y) > t$, associating the kernels with a first layer and classifying as a second layer, the pixels which are not associated with the first layer as prescribed for in the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (703) 305-4774. The examiner can normally be reached on Monday through Friday from 6:30 to 3:00.

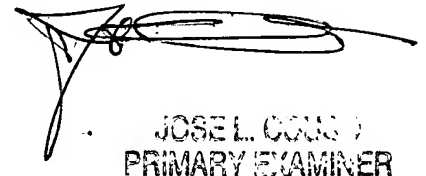
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the USPTO contact Center whose telephone number is (703) 308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jlc

October 28, 2005



JOSE L. COUSO
PRIMARY EXAMINER